Section II: REMARKS

It is respectfully requested that the changes as noted above in Section I be made to the present application.

From the above-referenced Office Action, which was mailed on 11/20/03, it is understood that since claims 1-21 were rejected under 35 USC 103(a), and claims 22-29 were not addressed, that claims 1-21 are Group I claims under current consideration and claims 22-29 have been withdrawn from consideration. Claims 4-5 and 12-13 have herein been amended for clarification, and as herein amended are considered to be correctly included in the Group I claims presently under consideration.

Next in the Office Action, claims 1 and 9 were objected to because of specified language inconsistencies with regard to the term "mapping database". Claims 1 and 9 have herein been amended to omit the term "mapping database" thereby obviating the stated objection to claims 1 and 9.

Next, in the only prior art rejection, claims 1-21 were rejected under 35 USC 103(a) as being unpatentable over DeKock et al (Patent Application Publication US 2002/0193938, hereinafter referred to as "DeKock"). That rejection is respectfully traversed. However, in order to further the prosecution of the present application, and without waiving any of applicant's rights to argue the allowability of the originally presented claims in a subsequent appeal or other proceeding in the event that the Examiner does not concur that the present amendment places the application in condition for allowance, applicant has herein amended the claims for clarification purposes to place them in better condition for allowance or appeal.

DeKock discloses a system for gathering traffic information for use by a plurality of mobile users connected to a network. As stated in the Abstract, the computer system, **in response to a request signal received from one of the users transmits in response thereto information representative of the signals transmitted by the traffic monitoring units.** Dekock discloses that, upon a user request, traffic conditions may be communicated to a user or driver who may then consider whether or not to take a different road in view of heavy traffic in the area (paragraph 0071). This communication of measured traffic conditions is communicated only upon request from a driver and is not associated with a map database which includes static route information regarding a calculated and specific route which is stored in response to the input of a staring point and a destination point as is done with the present invention. **In accordance with the present invention, a selected travel route is determined between an input starting point and an input end point based on a processing of a combination of static route information and traffic information. With the present invention, traffic information is processed relative to a selected route of travel between an input start point and a destination to provide a selected travel route whereas DeKock merely provides a selectively accessible traffic monitoring system.**

Moreover, it cannot be fairly stated that it would have been obvious to a person of ordinary skill in the art at the time the invention was made, in view of DeKock, to allow the user to input the starting point and the destination point and then process a selected route **based upon a combination of a travel route and traffic conditions along that travel route,** since there is not even a suggestion for such a combination anywhere in the DeKock reference. **In fact, DeKock actually teaches away** from the present invention by stating that "it is not necessary to know the

particular route of an individual user in order to collect useful traffic information and to update a traffic information database". All that DeKock does in fact is update an accessible traffic database. This function is, at best, merely one step in the present invention and cannot be said to render obvious the present invention, which includes the determination and storing of a selected travel route between an input starting point and an input destination based upon the **processing** of a combination of static route information and **traffic information for the stored travel route.**

In view of the above noted distinctions, all of the independent claims currently under consideration, i.e. independent claims 1, 9 and 17, have herein been amended to clearly recite the **input of starting and destination points,** and the receiving of traffic information relevant to the traffic flow conditions **between the input starting point and the destination** and the **processing** of the combination of both the static route information and also the received traffic flow information **applicable to the travel route between the input start point and destination.** Other changes have been made to the claims for clarification purposes and to be consistent with the language of the amended independent claims. With the above noted clarifications, and in view of the fact that DeKock expressly teaches away from the present invention as hereinbefore noted, it is submitted that independent claims 1, 9 and 17 are allowable under 35 USC 103(a) over the DeKock reference. It is further noted that since claims 2-8, 10-16 and 18-21 ultimately depend from one of the amended independent claims, and include even further limitations as specified in the individual claims, that the dependent claims 2-8, 10-16 and 18-21 are also allowable under 35 USC 103(a) over the DeKock reference.

Thus, it is submitted that claims 1-21, as herein presented, are believed to be in condition for allowance, an early notice of which is hereby requested. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting the allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below. The Examiner's attention to this matter is greatly appreciated.

Respectfully submitted,

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